

02-08-06

DB23 DIV1

1508



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV304411472US
Express Mail Label Number

February 7, 2006
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ART UNIT: 1649

KIRCHGESSNER ET AL.

EXAMINER: CHERNYSHEV, OLGA N.

APPLICATION NO: 10/736,936

FILED: December 16, 2003

FOR: NOVEL ORGANIC ANION TRANSPORT PROTEINS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is being filed in response to the Restriction Requirement mailed November 23, 2005, having a term that expired on December 23, 2005. A Petition for a two (2)-month Extension of Time to extend the time for response to the Official Action up to and including February 23, 2006, together with an authorization to charge the \$450.00 requisite extension fee to Deposit Account No. 19-3880 in the name of the Bristol-Myers Squibb Company, is enclosed herewith.

The Patent Office formulated the following groups of allegedly distinct inventions:

I to VI. Claims 5, 6, 11 and 15, in so far as they are drawn to any one of the six isolated polypeptide sequences recited therein;

VII to XII. Claims 9-10, in so far as they are drawn to an antibody that binds to any one of six polypeptide sequences recited therein;

XIII to XVIII. Claim 12, in so far as it is drawn to a method for identifying a ligand capable of binding to any one of six polypeptide sequences recited therein;

XIX to XXIV. Claim 13, in so far as it is drawn to a method for identifying a substrate which is capable to be transported by any one of six polypeptide sequences recited therein;

XXV to XXX. Claim 14, in so far as it is drawn to a method of delivering to an organ a molecule that expresses any one of six polypeptide sequences recited therein; and

XXXI to XXXVI. Claim 16, in so far as it is drawn to a method for modulating the activity of a polypeptide of any one of six amino acid sequence recited therein.

Applicants provisionally elect **Group XIX**, claim 13, drawn to a method for identifying a substrate which is capable of being transported by SEQ ID NO:2 (OATP2). Applicants specifically reserve the right to file one or more additional applications directed to non-elected subject matter.

Response to the Objection to Claim 5

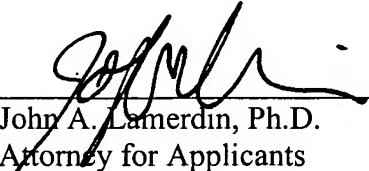
The Patent Office objected to claim 5, stating that claim 5 recites an improper Markush group. Without addressing the merit of the Patent Office's objection, applicants submit that the election of Group XIX renders the Patent Office's objection moot.

Although it is believed no additional fee is due, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment associated with the filing of this correspondence to Deposit Account Number 19-3880. Furthermore, if any extension of time is required, such extension is hereby petitioned for, and it is requested that any fee due for said extension be charged to Deposit Account Number 19-3880.

If any small matter should remain outstanding after the Examiner has had an opportunity to review the above Response, the Examiner is respectfully requested to telephone the undersigned attorney in order to expeditiously resolve these matters.

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
(609) 252-3575

Respectfully submitted,



John A. Lamerdin, Ph.D.
Attorney for Applicants
Reg. No. 44,858

Date: February 7, 2006